

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 JOHN TURNER, ) 3:17-cv-00475-RCJ-WGC  
9 )  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 LA SHERIFF OFFICE, *et al.*, )  
13 Defendants. )  
\_\_\_\_\_ )

14  
15 On August 2, 2017, Plaintiff, who is a prisoner in custody of the Nevada Department of  
16 Corrections (NDOC), filed his complaint against the LA Sheriff's Office, California Department of  
17 Justice and State of California. (ECF No. 1-1.) The complaint was not accompanied by the filing fee or  
18 an application to proceed in forma pauperis (IFP).

19 The Local Rules of Practice for the District of Nevada provide: "Any person who is unable to  
20 prepay the fees in a civil case may apply to the court for authority to proceed [IFP]. The application must  
21 be made on the form provided by the court and must include a financial affidavit disclosing the  
22 applicant's income, assets, expenses, and liabilities." LSR 1-1. When a prisoner seeks to proceed without  
23 prepaying the filing fee:

24 [I]n addition to filing the affidavit filed [as described above], [the prisoner] shall submit  
25 a certified copy of the trust fund account statement (or institutional equivalent) for the  
26 prisoner for the 6-month period immediately preceding the filing of the complaint or  
27 notice of appeal, obtained from the appropriate official of each prison at which the  
28 prisoner is or was confined.

28 U.S.C. § 1915(a)(2). Notwithstanding the foregoing:

(1) ... [I]f a prisoner brings a civil action...[IFP], the prisoner shall be required to pay  
the full amount of a filing fee. The court shall assess and, when funds exist, collect, as  
a partial payment of any court fees required by law, an initial partial filing fee of 20

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

percent of the greater of --

(A) the average monthly deposits to the prisoner's account; or

(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint of notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(1), (2).

The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP by an inmate.

Plaintiff has **THIRTY (30) DAYS** from the date of this Order to either pay the complete filing fee or submit a completed application to proceed IFP, or dismissal of this action will be recommended.

**IT IS SO ORDERED.**

DATED: September 7, 2017.



---

WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE